

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

05 CR 10203 RWZ

UNITED STATES OF AMERICA	:	COUNTS ONE-TWO: 8 U.S.C.
	:	\$1324(a)(1)(A)(i)(II) - Aiding
v.	:	and Abetting Alien Smuggling
	:	
(1) MARIO VIANA	:	COUNTS THREE-FOUR: 8 U.S.C.
(2) JULIO VIANA	:	\$1324(a)(2)(B)(ii) - Alien
	:	Smuggling For Private
	:	Financial Gain
	:	
	:	COUNT FIVE: 18 U.S.C. §1960 -
	:	Unlicensed Money Remitting
	:	
	:	COUNTS SIX-EIGHTEEN: 31 U.S.C.
	:	\$5324(a)(3) - Structuring
	:	Financial Transactions

INDICTMENT

The Grand Jury charges:

COUNT ONE:
**8 U.S.C. §1324(a)(1)(A)(i)(ii) - Aiding and Abetting
Alien Smuggling**

Beginning on a date unknown to the Grand Jury and continuing until at least March of 2004, in the District of Massachusetts and elsewhere,

MARIO VIANA

the defendant herein, knowing that a person is an alien, aided and abetted bringing to and attempting to bring to the United States in any manner whatsoever, an alien, at a place other than a designated port of entry or place other than as designated by

the Commissioner, regardless of whether such alien received prior official authorization to come to, enter and reside in the United States and regardless of any future official action which might be taken with respect to such alien, which offense was done for the purpose of private financial gain.

All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(i); Title 8, United States Code, Section 1324(a)(1)(B)(i), and Title 18, United States Code, Section 2.

The Grand Jury further charges:

COUNT TWO:

8 U.S.C. §1324(a)(1)(A)(i)(ii) - Aiding and Abetting Alien Smuggling

Beginning on a date unknown to the Grand Jury and continuing until at least May of 2004, in the District of Massachusetts and elsewhere,

MARIO VIANA

the defendant herein, knowing that a person is an alien, aided and abetted bringing to and attempting to bring to the United States in any manner whatsoever, an alien, at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien received prior official authorization to come to, enter and reside in the United States and regardless of any future official action which might be taken with respect to such alien, which offense was done for the purpose of private financial gain.

All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(i); Title 8, United States Code, Section 1324(a)(1)(B)(i), and Title 18, United States Code, Section 2.

The Grand Jury further charges:

COUNT THREE:
8 U.S.C. §1324(a)(2)(B)(ii) - Alien Smuggling

Beginning on a date unknown to the Grand Jury and continuing until March of 2004, in the District of Massachusetts and elsewhere,

MARIO VIANA

the defendant herein, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter and reside in the United States, brings to and attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien and the offense was for the purpose of private financial gain.

All in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii) and Title 18, United States Code, Section 2.

The Grand Jury further charges:

COUNT FOUR:
8 U.S.C. §1324(a)(2)(B)(ii) - Alien Smuggling

Beginning on a date unknown to the Grand Jury and continuing until May of 2004, in the District of Massachusetts and elsewhere,

MARIO VIANA

the defendant herein, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter and reside in the United States, brings to and attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien and the offense was for the purpose of private financial gain.

All in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii) and Title 18, United States Code, Section 2.

The Grand Jury further charges:

COUNT FIVE:
18 U.S.C. §1960- Illegal Money Remitting

Beginning on or about January 6, 2004 and continuing until on or about April 7, 2005, in the District of Massachusetts and elsewhere,

MARIO VIANA and JULIO VIANA

the defendants herein, knowingly conducted, controlled, managed, supervised, directed and owned all or part of an unlicensed money transmitting business.

All in violation of Title 18, United States Code, Section 1960 and Title 18, United States Code, Section 2.

The Grand Jury further charges:

COUNTS SIX- EIGHTEEN:
31 U.S.C. §5324(a)(3)- Structuring Financial Transactions

On or about the dates listed below, in the District of Massachusetts and elsewhere,

JULIO VIANA

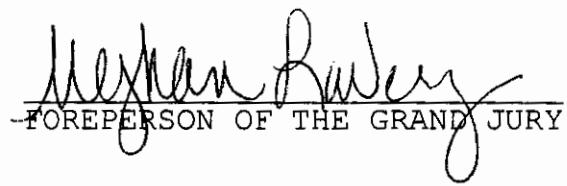
the defendant herein, for the purpose of evading the reporting requirements of Section 5313(a) and 5325 and any regulation prescribed under any such section, the reporting and recordkeeping requirements imposed by any order issued under Section 5326 and the recordkeeping requirements imposed by any regulation prescribed under Section 21 of the Federal Deposit Insurance Act and Section 123 of Public Law 91-508, did structure and assist in structuring and attempt to structure and assist in structuring the transaction listed below with one or more domestic financial institutions.

COUNT	DATE	TIME	AMOUNT
SIX	02/03/2004		\$9,000.00
SEVEN	02/04/2004		\$9,000.00
EIGHT	02/05/2004		\$9,000.00
NINE	02/06/2004		\$9,500.00
TEN	02/07/2004		\$9,500.00
ELEVEN	03/24/2004	9:48 AM	\$6,000.00
TWELVE	03/24/2004	12:54 PM	\$5,000.00

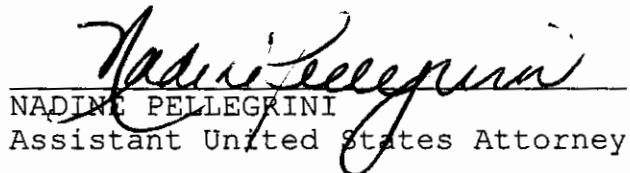
THIRTEEN	07/08/2004	11:22 AM	\$ 8,500.00
FOURTEEN	07/08/2004	12:13 PM	\$10,000.00
FIFTEEN	07/17/2004	11:34 AM	\$ 8,000.00
SIXTEEN	07/17/2004	12:22 PM	\$ 9,000.00
SEVENTEEN	07/21/2004	9:16 AM	\$ 9,500.00
EIGHTEEN	07/21/2004	11:14 AM	\$ 1,500.00

All in violation of Title 31, United States Code, Section 5324(a)(3), 31 CFR §103.22(b)(1) and Title 18, United States Code, Section 2.

A TRUE BILL



FOREPERSON OF THE GRAND JURY

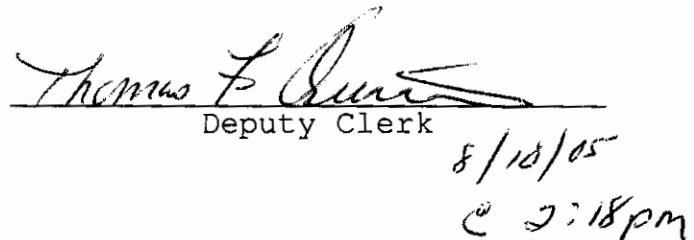


NADINE PELLEGRINI
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS

August 10, 2005

Returned into the District Court by the Grand Jurors and filed.



Thomas F. Cunn
Deputy Clerk
8/10/05
C 2:18pm

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**

Place of Offense: _____ Category No. II _____ Investigating Agency ICE/IRS _____

City Peabody _____

Related Case Information:

County Essex _____

Superseding Ind./ Inf. _____ Case No. _____
 Same Defendant _____ New Defendant _____
 Magistrate Judge Case Number 05-1673-CBS
 Search Warrant Case Number 05-1671-CBS
 R 20/R 40 from District of _____

Defendant Information:

Defendant Name MARIO VIANA _____

Juvenile Yes No

Alias Name _____

Address _____

Birth date (Year only): 1965 SSN (last 4 #): _____ Sex M Race: H Nationality: BRAZILIAN

Defense Counsel if known: Roger Cox _____ Address: _____

Bar Number: _____

U.S. Attorney Information:

AUSA N. PELLEGRINI Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: Portuguese _____Matter to be SEALED: Yes No Warrant Requested Regular Process In Custody**Location Status:**

Arrest Date: June 28, 2005

 Already in Federal Custody as _____ in Massachusetts _____. Already in State Custody _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by _____ on _____Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony _____

Continue on Page 2 for Entry of U.S.C. Citations

 I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 8/10/05

Signature of AUSA: *Nadele Pellegrini*

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant _____

U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>8 USC 1324</u>	<u>Alien Smuggling</u>	<u>1-4</u>
Set 2 <u>18 USC 1960</u>	<u>Unlicensed Money Remitter</u>	<u>5</u>
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

ADDITIONAL INFORMATION:

JS 45 (5/97) - (Revised USAO MA 6/29/04)

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II _____ Investigating Agency ICE/IRS _____City Peabody _____**Related Case Information:**County Essex _____

Superseding Ind./ Inf. _____ Case No. _____
 Same Defendant _____ New Defendant _____
 Magistrate Judge Case Number 05-1671-CBS
 Search Warrant Case Number 05-1671-CBS
 R 20/R 40 from District of _____

Defendant Information:Defendant Name JULIO VIANA _____ Juvenile Yes No

Alias Name _____

Address _____

Birth date (Year only): 1968 SSN (last 4 #): _____ Sex M Race: H Nationality: BRAZILIANDefense Counsel if known: Glenn Randall _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA N. PELLEGRINI _____ Bar Number if applicable _____Interpreter: Yes No List language and/or dialect: PortugueseMatter to be SEALED: Yes No Warrant Requested Regular Process In Custody**Location Status:**Arrest Date: June 28, 2005 Already in Federal Custody as _____ in Massachusetts _____. Already in State Custody _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by _____ on _____Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony _____

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 8/10/05

Signature of AUSA:



~~JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse~~

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant _____

	<u>U.S.C. Citations</u>		
	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 USC 1960</u>	<u>Unlicensed Money Remitting</u>	<u>5</u>
Set 2	<u>31 USC 5324(a)(3)</u>	<u>Structuring Financial Transactions</u>	<u>6-18</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: